

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-02906-TNM**

ELECTRONIC PRIVACY INFORMATION CENTER v.
NATIONAL SECURITY COMMISSION ON ARTIFICIAL
INTELLIGENCE et al

Assigned to: Judge Trevor N. McFadden
Cause: 05:552 Freedom of Information Act

Date Filed: 09/27/2019

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

**ELECTRONIC PRIVACY
INFORMATION CENTER**

represented by **Marc Rotenberg**
ELECTRONIC PRIVACY
INFORMATION CENTER
1519 New Hampshire Avenue, N.W.
Washington, DC 20036
(202) 483-1140, ext 106
Fax: (202) 483-1248
Email: rotenberg@epic.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John L. Davisson
ELECTRONIC PRIVACY
INFORMATION CENTER
1519 New Hampshire Ave, NW
Washington, DC 20036
(202) 483-1140 ext. 120
Email: davisson@epic.org
ATTORNEY TO BE NOTICED

V.

Defendant

**NATIONAL SECURITY
COMMISSION ON ARTIFICIAL
INTELLIGENCE**

represented by **Gary Daniel Feldon**
UNITED STATES DEPARTMENT OF
JUSTICE
Civil Division, Federal Programs Branch
1100 L Street NW
Room 11104
Washington, DC 20005
(202) 514-4686
Fax: (202) 616-8460
Email: Gary.D.Feldon@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

ERIC SCHMIDT
*in his official capacity as Chairman of the
National Security Commission on
Artificial Intelligence*

represented by **Gary Daniel Feldon**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

YLLI BAJRAKTARI
*in his official capacity as Executive
Director of the National Security
Commission on Artificial Intelligence*

represented by **Gary Daniel Feldon**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES DEPARTMENT OF
DEFENSE**

represented by **Gary Daniel Feldon**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/27/2019	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-6402957) filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons)(Davisson, John) (Entered: 09/27/2019)
09/27/2019	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by ELECTRONIC PRIVACY INFORMATION CENTER (Davisson, John) (Entered: 09/27/2019)
09/27/2019	<u>3</u>	NOTICE of Appearance by Marc Rotenberg on behalf of ELECTRONIC PRIVACY INFORMATION CENTER (Rotenberg, Marc) (Entered: 09/27/2019)
09/27/2019	<u>4</u>	MOTION for Preliminary Injunction by ELECTRONIC PRIVACY INFORMATION CENTER (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit, # <u>3</u> Text of Proposed Order)(Davisson, John) (Entered: 09/27/2019)
09/30/2019		Case Assigned to Judge Trevor N. McFadden. (zeg) (Entered: 09/30/2019)
09/30/2019	<u>5</u>	SUMMONS (4) Issued Electronically as to YLLI BAJRAKTARI, NATIONAL SECURITY COMMISSION ON ARTIFICIAL INTELLIGENCE, ERIC SCHMIDT, UNITED STATES DEPARTMENT OF DEFENSE. (Attachment: # <u>1</u> Notice and Consent)(zeg) (Entered: 09/30/2019)
10/01/2019	<u>6</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 10/1/2019. (lctnm2) (Entered: 10/01/2019)
10/01/2019	<u>7</u>	REQUEST FOR SUMMONS TO ISSUE <i>for U.S. Attorney for the District of Columbia</i> re <u>1</u> Complaint, filed by ELECTRONIC PRIVACY INFORMATION CENTER. Related document: <u>1</u> Complaint, filed by ELECTRONIC PRIVACY INFORMATION CENTER.(Davisson, John) (Entered: 10/01/2019)
10/01/2019	<u>8</u>	REQUEST FOR SUMMONS TO ISSUE <i>for Attorney General of the United States</i> filed by ELECTRONIC PRIVACY INFORMATION CENTER.(Davisson, John) (Entered: 10/01/2019)
10/01/2019		MINUTE ORDER. On September 27, 2019, Plaintiff filed a <u>4</u> Motion for Preliminary Injunction, invoking LCvR 65.1(d). Therefore, the Defendant shall file a responsive pleading on or before October 8, 2019. Plaintiff's Reply, if any, is due on or before October 11, 2019, and the Court will hold a hearing on the Motion on October 16, 2019, at 10:30 a.m., in Courtroom 2. SO ORDERED. Signed by Judge Trevor N. McFadden on 10/1/2019. (lctnm2) (Entered: 10/01/2019)
10/02/2019	<u>9</u>	SUMMONS (2) Issued Electronically as U.S. Attorney and U.S. Attorney General. (ztth) (Entered: 10/02/2019)
10/02/2019	<u>10</u>	NOTICE of Appearance by Gary Daniel Feldon on behalf of All Defendants (Feldon, Gary) (Entered: 10/02/2019)
10/02/2019		Set/Reset Deadlines/Hearings: Defendants' responsive pleading due by 10/8/2019. Plaintiff's reply due by 10/11/2019. Motion Hearing set for 10/16/2019 at 10:30 AM in Courtroom 2 before Judge Trevor N. McFadden. (hmc) (Entered: 10/02/2019)
10/03/2019	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/2/2019. Answer due for ALL FEDERAL DEFENDANTS by 11/1/2019. (Davisson, John) (Entered: 10/03/2019)
10/08/2019	<u>12</u>	Counter MOTION to Modify <i>Scheduling Order</i> by NATIONAL SECURITY COMMISSION ON ARTIFICIAL INTELLIGENCE, UNITED STATES

		DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Feldon, Gary) (Entered: 10/08/2019)
10/09/2019		MINUTE ORDER granting in part Defendants' <u>12</u> Consent Motion to Modify Briefing Schedule. Defendants shall file their responsive pleading by today, October 9, 2019. Plaintiff's reply, if any, shall remain due on or before October 11, 2019. SO ORDERED. Signed by Judge Trevor N. McFadden on 10/9/2019. (lctnm2) (Entered: 10/09/2019)
10/09/2019		Set/Reset Deadlines: Defendants' responsive pleading due by 10/9/2019. Plaintiff's reply due by 10/11/2019. (hmc) (Entered: 10/09/2019)
10/09/2019	<u>13</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 10/4/19. (Davisson, John) (Entered: 10/09/2019)
10/09/2019	<u>14</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF DEFENSE served on 10/3/2019 (Davisson, John) (Entered: 10/09/2019)
10/09/2019	<u>16</u>	Memorandum in opposition to re <u>4</u> MOTION for Preliminary Injunction filed by NATIONAL SECURITY COMMISSION ON ARTIFICIAL INTELLIGENCE, UNITED STATES DEPARTMENT OF DEFENSE. (zttth) (Entered: 10/11/2019)
10/10/2019	<u>15</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>4</u> MOTION for Preliminary Injunction <i>Nunc Pro Tunc</i> by NATIONAL SECURITY COMMISSION ON ARTIFICIAL INTELLIGENCE, UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit, # <u>3</u> Text of Proposed Order)(Feldon, Gary) (Entered: 10/10/2019)
10/10/2019		MINUTE ORDER granting Defendants' <u>15</u> Consent Motion for an Extension of Time, <i>Nunc Pro Tunc</i> , to Oppose the Preliminary Injunction Motion. Defendants' Opposition shall be deemed filed on October 9, 2019. SO ORDERED. Signed by Judge Trevor N. McFadden on 10/10/2019. (lctnm2) (Entered: 10/10/2019)
10/11/2019	<u>17</u>	REPLY to opposition to motion re <u>4</u> MOTION for Preliminary Injunction filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Davisson, John) (Entered: 10/11/2019)
10/16/2019		Minute Entry for proceedings held before Judge Trevor N. McFadden: Motion Hearing held on 10/16/2019. MOTION for Preliminary Injunction filed by ELECTRONIC PRIVACY INFORMATION CENTER, heard and DENIED for reasons stated on the record. Defendants' Motion to Dismiss due by 10/31/2019. Plaintiff's Opposition due by 11/7/2019. Defendants' Reply due by 11/14/2019. (Court Reporter: Elizabeth Saint-Loth.) (hmc) (Entered: 10/16/2019)
10/16/2019	<u>18</u>	ORDER denying <u>4</u> Motion for Preliminary Injunction and setting briefing schedule for a Partial Motion to Dismiss. See attached Order for details. Signed by Judge Trevor N. McFadden on 10/16/2019. (lctnm2) (Entered: 10/16/2019)
10/18/2019	<u>19</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. NATIONAL SECURITY COMMISSION ON ARTIFICIAL INTELLIGENCE served on 10/15/2019 (Davisson, John) (Entered: 10/18/2019)
10/18/2019	<u>20</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. ERIC SCHMIDT served on 10/11/2019 (Davisson, John) (Entered: 10/18/2019)
10/18/2019	<u>21</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. YLLI BAJRAKTARI served on 10/11/2019 (Davisson, John) (Entered: 10/18/2019)
10/18/2019	<u>22</u>	<p>TRANSCRIPT OF PROCEEDINGS, before Judge Trevor N. McFadden, held on 10-16-2019. Page Numbers: 1 – 61. Date of Issuance: 10-18-2019. Court Reporter: Elizabeth SaintLoth; Telephone number: 202-354-3242. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats,</p>

		<p>(multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 11/8/2019. Redacted Transcript Deadline set for 11/18/2019. Release of Transcript Restriction set for 1/16/2020.(Saint–Loth, Elizabeth) (Entered: 10/18/2019)</p>
10/31/2019	<u>23</u>	Partial MOTION to Dismiss <i>FOIA Claims</i> by NATIONAL SECURITY COMMISSION ON ARTIFICIAL INTELLIGENCE, UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Feldon, Gary) (Entered: 10/31/2019)
11/07/2019	<u>24</u>	Memorandum in opposition to re <u>23</u> Partial MOTION to Dismiss <i>FOIA Claims</i> filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Text of Proposed Order)(Davisson, John) (Entered: 11/07/2019)
11/14/2019	<u>25</u>	REPLY to opposition to motion re <u>23</u> Partial MOTION to Dismiss <i>FOIA Claims</i> filed by NATIONAL SECURITY COMMISSION ON ARTIFICIAL INTELLIGENCE, UNITED STATES DEPARTMENT OF DEFENSE. (Feldon, Gary) (Entered: 11/14/2019)
12/03/2019	<u>26</u>	MEMORANDUM OPINION AND ORDER denying the Government's <u>23</u> Motion to Dismiss FOIA claims. Signed by Judge Trevor N. McFadden on 12/3/2019. (lctnm2) (Entered: 12/03/2019)
12/03/2019		MINUTE ORDER. The parties shall appear for a status conference on December 20, 2019, at 10:00 a.m. in Courtroom 2, before Judge Trevor N. McFadden. SO ORDERED. Signed by Judge Trevor N. McFadden on 12/3/2019. (lctnm2) (Entered: 12/03/2019)